IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 344 OF 2005

Mr. Vasant Genba Chaudhari .. Appellant

Vs.

Smt. Sangita Valmik Chaudhari
and ors. .. Respondents

Mr. Pramod Pawar for appellant.
Mr. R.G. Ketkar for Respondents.

CORAM: B.H. MARLAPALLE, J.

Date : July 07, 2005.

P.C.:

1. Heard the learned counsel for the respective parties.

2. Having gone through the reasoning set out by the learned 3rd Joint Civil Judge, Sr. Division, Pune in the impugned order on 2/2/2005 rejecting the application for temporary injunction at Exh.5 in Special Civil Suit No.1233 of 2004, it would be desirable that this appeal is disposed off by

directing expeditious trial of the pending suit and more so when the learned counsel for both the parties have consented for such course of action. So far as the order of injunction is concerned, the learned counsel for the appellant prayed for status quo order to continue. However, such an order is likely to lead to further complication and more so when it has been recorded in the impugned order that the sale deed executed in favour of Defendant nos.2 to 8 by defendant no.1 and registered on 20/5/2004 clearly stated that the possession of plot no.1A which is the suit land in Gat No.175 has already been handed over to the said defendants and, therefore, this would show that the defendant nos.2 to 8 were put in possession of the suit land on 20/5/2004 itself. The order of status quo would mean that they would remain in possession. Whereas the plaintiff claims that he was in possession as on the date he moved the suit i.e. on 24/11/2004. He does not say how the defendant nos.2 to 8 were dispossessed. Hence, it would not be in the interest of either of the parties that any order of status quo is passed by this court.

3. This appeal is, therefore, disposed off and it is directed that the trial court shall hear and decide Special Civil Suit No.1233 of 2004 on its own merits, as expeditiously as possible and preferably by 31st January 2006 and undoubtedly without being influenced by any of the observations made in the order rejecting the application at Exh.5.

(B.H. Marlapalle,J.)